STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of CHLOE GEORGIADES, NICOS GEORGIADES, JR., ASHLEY GEORGIADES, and KYLE HULBERT, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHELE GEORGIADES,

Respondent-Appellant.

UNPUBLISHED
December 21, 2006

No. 270694
Montclam Circuit Court
Family Division
LC No. 2006-023501-NA

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHELE GEORGIADES,

Respondent-Appellant.

No. 270695
Montcalm Circuit Court
Family Division
LC No. 2006-023601-NA

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHELE GEORGIADES,

Respondent-Appellant.

No. 270696
Montcalm Circuit Court
Family Division
LC No. 2006-023701-NA

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHELE GEORGIADES,

Respondent-Appellant.

No. 270697
Montcalm Circuit Court
Family Division
LC No. 2006-023801-NA

Before: Meter, P.J., and O'Connell and Davis, JJ.

PER CURIAM.

Respondent appeals as of right from an order of the trial court taking jurisdiction over respondent's children because her home was unfit by reason of drunkenness. MCL 712A.2(b)(2). We affirm.

Respondent's sole argument on appeal is that the trial court lacked sufficient evidence for its exercise of jurisdiction. We disagree. "We review the trial court's decision to exercise jurisdiction [over a child] for clear error in light of the court's findings of fact." *In re BZ*, 264 Mich App 286, 295; 690 NW2d 505 (2004). "To properly exercise jurisdiction, the trial court must find that a statutory basis for jurisdiction exists. . . . Jurisdiction must be established by a preponderance of the evidence." *Id.*

MCL 712A.2(b)(2), which formed the basis for jurisdiction in the instant case, provides that a court may take jurisdiction of a juvenile "[w]hose home or environment, by reason of neglect, cruelty, drunkenness, criminality, or depravity on the part of a parent, guardian, nonparent adult, or other custodian, is an unfit place for the juvenile to live in." Defendant argues that insufficient evidence was presented to meet the requirements of the statute in this case because the term "drunkenness" implies a perpetual state rather than the occasional drunken episode. Resolution of this issue involves a matter of statutory interpretation, which this Court reviews de novo. *In re MU*, 264 Mich App 270, 276; 694 NW2d 495. "The primary goal of statutory interpretation is to give effect to the intent of the Legislature. . . . If the statutory language is unambiguous, appellate courts presume that the Legislature intended the meaning plainly expressed and further judicial construction is neither permitted nor required." *Atchison v Atchison*, 256 Mich App 531, 535; 664 NW2d 249 (2003).

The statutory scheme does not define the noun "drunkenness." *The American Heritage Dictionary of the English Language* (1996) defines the adjective "drunken" as follows: "1. Delirious with or as if with strong drink; intoxicated. 2. Habitually drunk. 3. Of, involving, or occurring during intoxication." Thus, the common meaning of the noun encompasses both a single episode of intoxication and a habitual behavior pattern. Certainly, a habitual state of drunkenness would support the conclusion that the home environment is unfit. However, this does not preclude the possibility that a home would be unfit on a finding of a single instance of drunkenness, or cruelty or neglect for that matter. In fact, looking to the use of the word in context, the language of the statute does not specify that the court find that drunkenness or any of the other listed conditions be habitual or continuous in order for the home or environment to be found unfit. We conclude that where the interests of the child are paramount, constraining a

court from exercising jurisdiction in order to protect the child until a pattern of drunkenness or other problematic behavior is established is not within the intent of the Legislature. Moreover, the circumstances surrounding respondent's arrest suggest that the state of her home that evening was not an anomaly.

Respondent's more general argument that petitioner presented insufficient evidence to support the court's decision is not supported by the record. The record establishes that three of the four children have developmental problems. The police officer responding to respondent's home reported that she saw vomit on the children's blanket and on some of the children as they slept in the bedroom. The assigned caseworker, who also responded the night the children were taken from the home, testified that respondent was unable to indicate whether Ashley had kidney failure and was supposed to be taking the medication that had been prescribed for her that was found in the home.

Respondent asserts that it was not unreasonable for Kyle, a child of eight, to be awake at 1:30 a.m. on a weekend and that it was not respondent's fault that a teenager managed to get into the children's bedroom and vomit on them. However, respondent's duty as the parent of her children was to provide a fit environment for them, which included making sure that intoxicated, underage guests not enter her children's bedroom. As for Kyle being awake and eating chili at 1:30 a.m., while children may stay up later on weekends than they do on weekdays, the situation here was that an eight-year-old child (who had either ADD or ADHD), unsupervised by his mother, was eating chili that had been on the stove for an unspecified period of time in an area that was littered with alcoholic containers.

Under all the circumstances, we reject respondent's assertion that the trial court erred in exercising jurisdiction over the minor children.

Affirmed.

/s/ Patrick M. Meter
/s/ Peter D. O'Connell
/s/ Alton T. Davis